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Docket No.: L0461.70073US01
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Ali O. Gure et al.
Serial No.: 10/761169
Confirmation No.: 3734
Filed: January 20, 2004
For: SMALL CELL LUNG CANCER ASSOCIATED ANTIGENS AND USES
THEREFOR
Examiner: Peter J. Reddig
Art Unit: 1642

Certificate of Mailing Under 37 CFR 1.8(a)

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: 4/18/06

June M. Watson
(June M. Watson)

TRANSMITTAL LETTER

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Enclosed are the following items for filing in connection with the above-referenced Patent Application:

1. Response to Restriction Requirement; and
2. Return Receipt Postcard.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith to our Deposit Account No. 23/2825, under Docket No. L0461.70073US01. A duplicate copy of this paper is enclosed.

Dated: April 18, 2006

Respectfully submitted,

By

John R. Van Amsterdam
John R. Van Amsterdam

Registration No.: 40,212

WOLF, GREENFIELD & SACKS, P.C.

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WGS Date: x05/13/06



DOCKET NO. L0461.70073US01

THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Ali O. Gure, et al.
Serial No.: 10/761,169
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June M. Watson

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In response to the restriction requirement set forth in the Office Action mailed April 13, 2006, Applicant hereby elects SEQ ID NO:4 (SOX1), with traverse.

Having made the election, Applicant expressly reserves the right to file one or more continuing applications on the subject matter of the non-elected claims.


The Examiner indicated that the search for all of the sequences would be burdensome. Applicant appreciates the quantity of work required to search the invention. However, Applicant respectfully notes that the Examiner's comment presupposes a substantial number of results requiring review. Applicant strongly believes that the search, properly done, will not turn up very many items for the following reason. The claims are limited in terms of (1) the nucleic acid sequences, (2) the method is a diagnostic method, and (3) the diagnostic method includes

determining the presence or level of antibodies that bind proteins produced by the listed nucleic acid molecules. Therefore, Applicant respectfully requests that the Examiner reconsider and withdraw the restriction among the sequences.

In addition, for claims 11-13, the diagnostic methods include the use of a plurality of proteins to determine the presence or level of antibodies. The restriction of the claims to a single sequence might be viewed as effectively negating the ability to claim the use of a plurality of proteins in the methods. Therefore, on this second basis, Applicant respectfully requests that the Examiner reconsider and withdraw the restriction among the sequences.

Dated: April 18, 2006

Respectfully submitted,

By 
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